



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	11-05-13	AGENDA REQUEST NO:	IV-A
INITIATED BY:	JACOB NITCHALS PLANNER II JN	RESPONSIBLE DEPARTMENT:	PLANNING & CODE SERVICES
PRESENTED BY:	JACOB NITCHALS PLANNER II	DIRECTOR:	DOUGLAS SCHOMBURG, AICP DIR. OF PLANNING & CODE SERVICES D.S.
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	CONDITIONAL USE PERMIT (CUP) TO ESTABLISH AN APPAREL AND TEXTILE DESIGN BUSINESS AT THE FORMER SERVICE AND GAS SALES STATION LOCATED AT 8034 US 90A, IN THE BUSINESS OFFICE (B-O) ZONING DISTRICT SECOND READING OF ORDINANCE NO. 1934		
EXHIBITS:	VICINITY MAP, AERIAL MAP, STAFF REPORT, SITE PHOTOGRAPHS, APPLICATION, APPLICANT LETTER, PUBLIC HEARING NOTICE, ORDINANCE NO. 1934		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH RIEDE, <i>M.R.</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>JC</i>
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>AB</i> FOR AB
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve Ordinance No. 1934 on Second Reading.			

EXECUTIVE SUMMARY

This is a request by Ms. Suzanne Whatley, owner of Branding Matters! LLC, dba Sports Team Matters! for a Conditional Use Permit (CUP) for an apparel and textile design business in order to conduct screen printing, embroidery, and other custom apparel design on the site. The applicant is proposing to relocate her production equipment and showroom to the former gas sales and service station located at 8034 US 90A, at the southwest intersection of US 90A and Brooks Street. The existing building is approximately 3,100 square feet on approximately 0.26 acres. City Council approved the rezoning of the property from Mixed Use Conservation District (MUC) to Business Office district (B-O) on July 2, 2013. The B-O district requires a CUP for embroidery services and textile designers (SIC Code 7389, Business Services, Not Elsewhere Classified).

The Planning and Zoning Commission held a public hearing for the CUP on August 13, 2013. No speakers addressed the Commission during the hearing. The Commission provided feedback on the following issues:

1. the possibility that the garage doors facing Hwy 90A could be opened, allowing the internal operations to be viewable to the public;
2. the need to provide a no parking area in the parking lot as reflected on the attached site plan
3. whether or not it would be appropriate to renovate the west and east side facades in a manner that is consistent with the proposed improvements to the front façade as shown on the attached elevation; and
4. the need for all future building improvements to continue screening the internal operations from public view.

On September 10, 2013, the Planning and Zoning Commission unanimously recommended approval of the CUP with the following conditions:

1. The front façade of the building will be remodeled in accordance with the attached Elevation.
2. The east and west side façades of the building will have brick façades that are consistent with the brick façade shown on the attached elevation.
3. The parking lot will be striped and include a “No Parking” area as shown on the attached site plan.
4. The garage doors on the three bays facing US 90A will remain closed except when access is needed for parking vehicles/trailers or loading and unloading equipment or materials.
5. If the three garage doors facing US 90A are replaced or removed, the improvements must be constructed in a manner that screens the production area from public view. If operable windows are included, the windows must open in a manner that screens the production area from public view.
6. For the purposes of this ordinance, “screens the production area from public view” means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

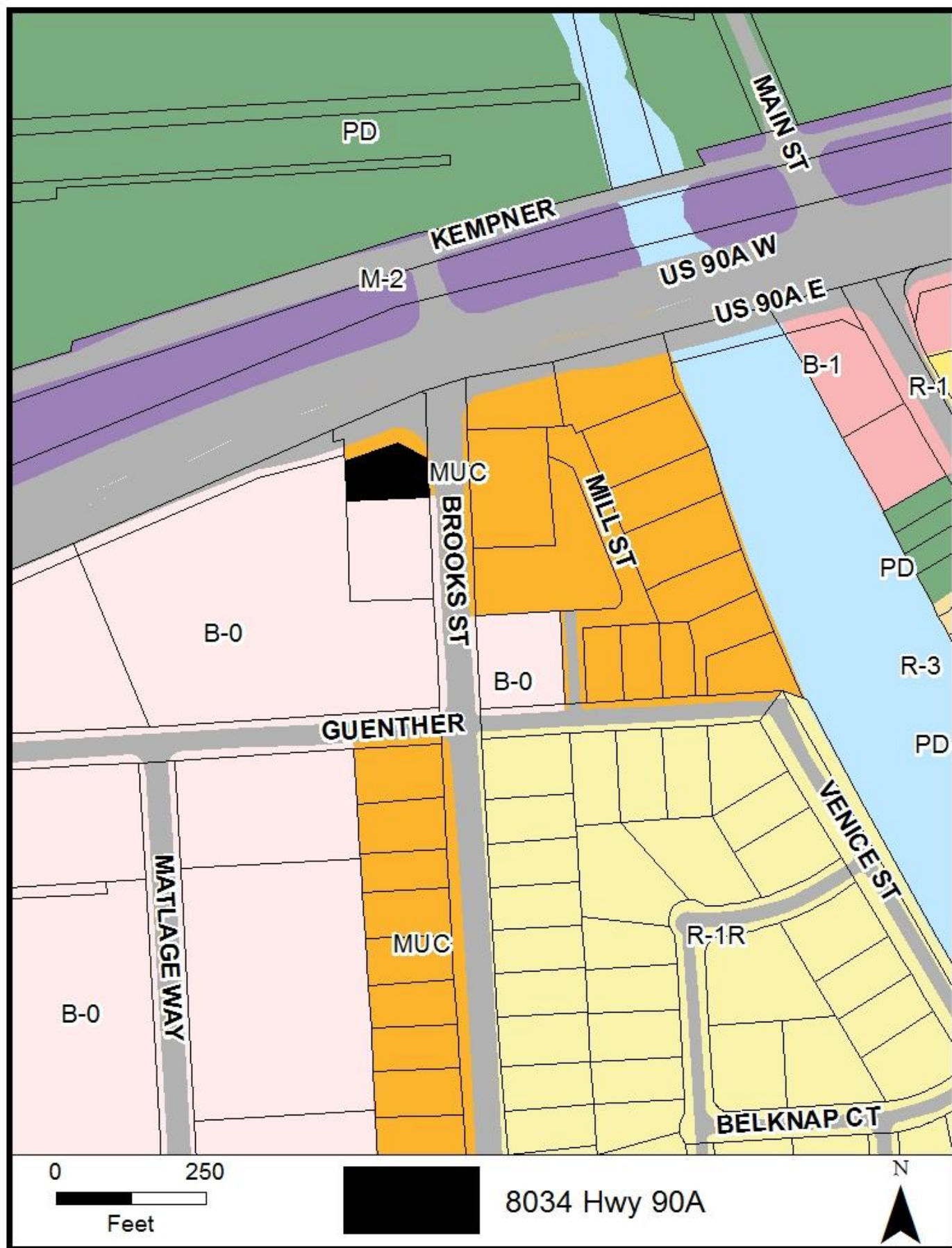
The Planning & Code Services Department also recommends that City Council approve Ordinance No. 1934 on first reading and pass to second reading.

CC: Suzanne Whatley, sbw2121@aol.com

Planning Case No. 13 20000005, Document No. 17057

EXHIBITS

Vicinity Map:



Aerial Map:



Staff Report:

PLANNING AND ZONING COMMISSION REVIEW:

The Planning and Zoning Commission held a Public Hearing regarding the Conditional Use Permit on August 13, 2013. Prior to the Public Hearing, staff received no informational inquiries and no speakers addressed the Commission during the hearing. Following the Public Hearing, during discussion and direction, and during consideration and action at the subsequent meeting, the Commission expressed concern relating to the following issues:

Open garage doors facing Highway 90A: The Commission expressed concern that the garage doors facing Highway 90A could be opened during business hours causing the internal operations (screen printing and storage) to be viewable to the public. The applicant is prepared to move forward with the condition that the garage doors remain closed except for those limited instances outlined in the attached ordinance.

No parking area: The commission expressed concern that customers may park in the northwest corner of the parking lot where there is not sufficient drive area to easily turn a vehicle around and asked that the area be striped and marked no parking.

Renovation of the side facades: The applicant provided a front building elevation showing numerous renovations including a new brick façade, new glazing, and a new awning. The Commission noted that the west and east side of the buildings are highly visible and requested that the building sides be renovated in a manner that is consistent with the proposed improvements to the front façade, as shown on the attached elevation. The applicant is in agreement and has already received a building permit to this end.

Future building improvements: The commission wanted to ensure that if the existing garage doors are ever removed, the associated building improvements would screen the internal operations from public view. Additionally, the Commission wanted to establish specific parameters that would allow the applicant to make building improvements without the need to obtain a revised Conditional Use Permit.

On September 10, 2013, the Planning and Zoning Commission unanimously recommended approval of the CUP with the following conditions:

1. The front façade of the building will be remodeled in accordance with the attached Elevation.
2. The east and west side façades of the building will have brick façades that are consistent with the brick façade shown on the attached elevation.
3. The parking lot will be striped and include a “No Parking” area as shown on the attached site plan.
4. The garage doors on the three bays facing US 90A will remain closed except when access is needed for parking vehicles/trailers or loading and unloading equipment or materials.
5. If the three garage doors facing US 90A are replaced or removed, the improvements must be constructed in a manner that screens the production area from public view. If operable windows are included, the windows must open in a manner that screens the production area from public view.
6. For the purposes of this ordinance, “screens the production area from public view” means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:

Section 2-22. Standard of Review

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be compatible and appropriate use of the premises.

Section 2-23. Conditions

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

GENERAL SITE INFORMATION AND ANALYSIS:

The following is a summary of general site information.

Adjacent Zoning	North: Across Hwy 90A, Imperial Planned Development (PD) South: Business Office (B-O) East: Across Brooks Street, Mixed Use Conservation (MUC) West: Business Office (B-O) Site: Business Office (B-O)
Adjacent Land Uses	North: Across Hwy 90A, old Imperial Sugar char house & other facilities South: Imperial Sugar office building East: City-owned property, former post office & COSL police station West: Imperial Sugar office building parking lot Site: Former service & gas sales station (approx. 3,100 square foot building)

PRELIMINARY ANALYSIS:

Case Overview: The applicant is proposing to relocate her apparel and textile design business, which includes production equipment and a showroom. Some of the textile design services that will be offered include: screen-printing, heat-pressed graphics, embroidery, and rhinestone decorations. The site is approximately 0.26 acres and the existing building, the former Exxon service and gas sales station, is approximately 3,100 square feet. A significant portion of the site's parking lot and vehicle use area was purchased by TxDOT for the expansion of the Highway 90A right-of-way (ROW). As a result, many of the allowed uses in the MUC district (property's zoning until recently) cannot comply with the Development Code's off-street parking requirements, possibly playing a role in the buildings extended vacancy. Most of the allowed uses in the B-O district require a parking ratio of one parking space for every 250 square feet or one parking space for every 200 square feet, which would require 12 or 15 parking spaces respectively. This use is parked at a ratio of one parking space for every 300 square feet, resulting in 11 required parking spaces. As the site plan attached to the ordinance demonstrates, the maximum number of parking spaces the site can accommodate is 11.

Traffic Impacts: Based on an analysis of the trip generation data from the Institute of Transportation Engineers, significant negative traffic impacts are not anticipated as a result of this use. The site will be accessed through the existing driveway on Brooks Street.

Land Use: The proposed use, an apparel and textile design business, appears to be compatible with the area. The Business Office (B-O) zoning district *allows for the development of office uses and certain limited service and retail uses which are compatible with offices*. In order for the Commission to have an understanding of the types of uses that could possibly occupy the remaining portion of the shopping center, a summary of those uses is provided:

Primary uses which would be permitted by-right in this zoning district and which would be typical (but are not limited to) the following:

- Religious Organizations (churches)
- Computer Services
- Political Organizations
- Accounting Type Services
- Consulting
- Public Relations
- Credit Agencies
- Advertising Agencies
- Business and Professional Organizations
- Colleges/Universities
- Insurance Agents
- Bank Type Facilities
- Mortgage Bankers and Brokers
- Medical, Dental, and Health Services Offices

Other uses which would be permitted with an approved Conditional Use Permit (CUP) in this zoning district include (but are not limited to) the following:

- Eating Places
- Child Care Services
- Travel Agency
- Training Services
- Miscellaneous Personal Services
- Miscellaneous Business Services

PUBLIC HEARING:

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land website. All property owners within 200-ft of the property were notified and a courtesy sign was placed at the site. At the time of writing this report, Staff have not received any inquiries regarding the notice for the Council meeting, and we are not aware of any opposition to the proposed Conditional Use Permit.

POINTS FOR CONSIDERATION:

- This request does not appear to conflict with the Comprehensive Plan or Land Use Plan.
- This request does not appear to conflict with any of the surrounding uses.
- The proposed land use did not trigger a Traffic Impact Analysis; significant negative traffic impacts are not anticipated as a result of this use.
- The Planning and Zoning Commission unanimously recommended approval of the Conditional Use Permit.

Site Photographs:



View from the corner of Brooks and Hwy 90A



View of driveway off Brooks Street

Site Photographs Cont.:



View from across Brooks Street

Application:



**STANDARD REZONING &
CONDITIONAL USE PERMIT
(CUP) APPLICATION**

FOR OFFICE USE (Rev. 1/1/13) Accounting Code: <u>ZC</u> 2013 Fee: See below Fee Required <u>\$525.00</u> Case No. <u>13 20000005</u>
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Return Your Submittal To Development Planning (Attn: Development Review Coordinator)
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, Tx 77479, Phone#: (281) 275-2218

PROJECT NAME Branding Matters!!lc

Submittal Type & Fee ☐ Standard Rezoning \$1,075 ☒ Conditional Use Permit \$1,600

Legal/ Location Description 0097 SM Williams Acres 0.2895, Exxon Station

Property Acreage 0.517 Acres Current Zoning District Mixed Use Conservation District

For Rezoning, Proposed Zoning District _____

For CUP, Proposed Use Production/Sale of Decorated Apparel and Textiles with a focus on Sports Team Uniforms.

Indicate Existing Buildings on Site Former Exxon Station , 8034 Hwy. 90A, Sugar Land, TX 77478

CONTACT INFORMATION

Property Owner (Please Note – the current Property Owner's Information Must be provided):

Name Nam H. Cho

Address 823 Edgewick Court, Sugar Land, TX 77478

Phone 281-650-0688

Email Nacho1109@yahoo.com

Property Owner's Authorization (May be submitted under separate cover on company letterhead):

I am the owner of the property for which this application is being made. I authorize

Suzanne M. Whatley

(Project Representative) to submit this application

and to correspond with the City of Sugar Land regarding this application on my behalf.

Nam H. Cho
Property Owner's Signature (Required)

7-1-13

Date

Project Representative:

Contact Person Suzanne M. Whatley

Company Branding Matters!!lc

Address 1646 Blaisdale Road, Suite 2500, Richmond, TX 77406

Phone 281-239-7747

Email BrandingMatters@aol.com

This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning & Environmental Services Department has not received a revised submittal.

Suzanne M. Whatley
Project Representative's Signature

7/1/2013

Date

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.

Please contact Development Planning staff at 281-275-2218 to discuss your proposal prior to submitting a Standard Rezoning or Conditional Use Permit application.

Applicant Letter:



Suzanne M. Whatley

Owner

1646 Blaisdale Road

Suite 2500

Richmond, TX 77406

281-239-7747

BrandingMatters@aol.com

July 1, 2013

City of Sugar Land

Development Planning

Attn: Development Review Coordinator

Sugar Land City Hall

2700 Town Center Blvd. North

Sugar Land, TX 77479

RE: Property located at 8034 Hwy. 90A (former Exxon Gas Station)

Dear Planning and Zoning Commission,

I am requesting a CUP at 8034 Hwy. 90A, Sugar Land, TX 77478.

We have been working with Jacob Nitchals, our city contact, for the last 3 months regarding our proposal for this property and with his recommendation we are submitting this request to comply with the City of Sugar Land.

Branding Matters!llc, dba Sports Team Matters! has been providing services, which include embroidery, screen-printing, heat applied graphics and custom rhinestone decorations on textiles and apparel, with a focus on Sports Uniforms, Accessories and Gear to Sugar Land area residents for over 9 years. Our proposed use of the building includes textile decoration and product showroom.

Machinery used in the application is as following:

- Large format printer/cutter
- Heat Press
- Rhinestone "Printer"
- Embroidery Machine
- Manual Screen Printing Press and accessories

The machinery we own is well maintained and is in excellent condition.

- Semi-annual maintenance is performed to ensure all machinery is in optimal working condition and poses no threat of any kind to our staff or environment.
- Decoration machinery will be kept in the Production/Office area and not be accessible to the general public under our proposed build-out.
- ALL liquids used in the process of screen printing are "green".
 - We use industry certified soy-based products in the screen printing process.
 - Use of these products over the past 6 years have proven safe and have not had any negative impact on the environment or property.
- Any mechanical requirements for increased electrical power have been addressed and our proposed build-out includes meeting/surpassing those requirements for safety.

Our proposed layout of the building is as follows:

- Interior rear
 - Embroidery,
 - Heat applied graphic application and
 - Rhinestone application.
- Interior Front
 - Showroom Display
 - Sports Related Accessories
- Garage Bay
 - Parking
 - Screen Printing

Exterior Improvements:

- Maintain the historic aesthetics of the area by:
 - Applying brick over existing columns to be reminiscent of the Imperial Sugar Building across the street.
 - Install awnings over entrances to replace the “gas station” appearance of the building to a boutique type operation.
 - Replace existing half front windows with full length windows; further enhancing the boutique appearance of the building.
 - Add potted foliage to the exterior with an outdoor area for patio bringing in a relaxed atmosphere that our City is known for.

My husband and I have been actively involved in our community as longtime residents of Sugar Land. As such, my vision is to hold true to the design of the historical area in which the building stands. I am fully aware that this property is crucial to the area in terms of its appearance and future value. Its proximity to the historical sites surrounding it is part of the reason I care for this property. I wish to preserve and maintain the value, appearance and integrity our City strives to achieve and I plan my business to become an example of a successful, community-oriented small business.

Your consideration for granting of this CUP is much appreciated. I remain available to address any concerns you may have.

Sincere regards,



Suzanne M. Whatley
Owner

Branding Matters!llc
dba SportsTeam Matters!

NOTICE OF PUBLIC HEARING

**CONDITIONAL USE PERMIT
APPAREL AND TEXTILE DESIGN BUSINESS**

8034 HIGHWAY 90A

REQUEST FOR A CONDITIONAL USE PERMIT TO ESTABLISH AN APPAREL AND TEXTILE DESIGN BUSINESS (BRANDING MATTERS! LLC, DBA SPORTS TEAM MATTERS!) AT 8034 HIGHWAY 90A, AT THE SOUTHWEST INTERSECTION OF HIGHWAY 90A AND BROOKS STREET, IN THE BUSINESS OFFICE (B-O) ZONING DISTRICT.

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED CONDITIONAL USE PERMIT SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: CITY COUNCIL MEETING
6:00 P.M., OCTOBER 15, 2013**

DETAILS OF THE PROPOSED CONDITIONAL USE PERMIT MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND DEVELOPMENT PLANNING OFFICE (281) 275-2218 OR EMAIL PLANNING@SUGARLANDTX.GOV. THE DEVELOPMENT PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO REVIEW ADDITIONAL DETAILS IN PERSON.

ORDINANCE NO. 1934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR A TEXTILE DESIGN BUSINESS LOCATED AT THE SOUTHWEST INTERSECTION OF US 90A AND BROOKS STREET (8034 US 90A).

WHEREAS, Branding Matters! dba Sports Team Matters! has applied for a conditional use permit to operate a textile design business in a Business-Office (B-O) zoning district for the real property located at 8034 US 90A; and

WHEREAS, the Planning and Zoning Commission recommends the permit be approved; NOW, THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That a conditional use permit to operate a textile design business (SIC No. 7389, Business Services, Not Elsewhere Classified is granted for the property, as described in Exhibit A, attached to and incorporated into this ordinance by reference.

Section 2. That the permit is subject to the following conditions:

1. The front façade of the building will be remodeled in accordance with the attached elevation, Exhibit D.
2. The east and west side façades of the building will have brick façades that are consistent with the brick façade shown on the attached elevation, Exhibit D.
3. The parking lot will be striped and include a “No Parking” area as shown on the attached site plan, Exhibit B.
4. The garage doors on the three bays facing US 90A will remain closed except when access is needed for parking vehicles/trailers or loading and unloading equipment or materials.
5. If the three garage doors facing US 90A are replaced or removed, the improvements must be constructed in a manner that screens the production area from public view. If operable windows are included, the windows must open in a manner that screens the production area from public view.
6. For the purposes of this ordinance, “screens the production area from public view” means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

Section 3. That the premises must be developed, operated, and maintained in accordance with the ordinances of the City of Sugar Land and in accordance with the site plan shown in Exhibit C, attached to and incorporated into this ordinance by reference. If there is a conflict between a provision of this ordinance and a provision of the Code of Ordinances or the Sugar Land Development Code, the more stringent provision controls.

Section 4. That any person found guilty of intentionally violating this ordinance will be fined not more than \$2,000 for each offense.

APPROVED on first consideration on _____, 2013.

ADOPTED upon second consideration on _____, 2013.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

Meredith Reed

Attachments: Exhibit A – Metes and Bounds Description
Exhibit B – Vicinity Map
Exhibit C – Site Plan
Exhibit D – Front Elevation

Exhibit A – Legal Description:

STATE OF TEXAS

NOVEMBER 26, 2011

COUNTY OF FORT BEND

**METES AND BOUNDS DESCRIPTION
8034 HIGHWAY 90A
SUGAR LAND, TEXAS**

0.2586 ACRE TRACT OF LAND SITUATED IN THE S.M. WILLIAMS SURVEY, ABSTRACT NO. 97, IN FORT BEND COUNTY, TEXAS AND BEING OUT OF AND PART OF 0.458 ACRE TRACT OF LAND DESCRIBED IN FORT BEND COUNTY CLERK'S FILE NO. 9801378; SAVE AND EXCEPT, A 0.1685 ACRE TRACT OF LAND TAKEN FOR RIGHT-OF-WAY PURPOSES ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY 90A PER DRAWINGS GIVEN TO SURVEYOR BY CLIENT PREPARED BY CIVIL CONCEPTS, DATED JUNE 25, 2003 AND RECORDED IN FORT BEND COUNTY CLERK'S FILE NO. 2005-04845, SAID RESIDUAL 0.2586 ACRE TRACT BEING THE RESULT OF THE HEREIN DESCRIBED 0.2586 ACRE TRACT PERFORMED ON THE GROUND AT THE TIME OF THIS SURVEY AS MONUMENTED AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Basis for bearings: Control monuments per Fort Bend County Clerk's File No. 9801378.

BEGINNING at an "X" found in concrete for the Southwest corner of the herein described 0.2586 acre tract of land, said point also being the Northwest corner of a called 0.517 acre tract of land described in Volume 1095, Page 852 of the Fort Bend County Deed Records and being located in the East line of a called 4.633 acre tract of land described in Volume 816, Page 21 of the Fort Bend County Deed Records;

THENCE along the common line of said 4.633 acre tract and the herein described 0.2586 acre tract of land, North 00° 27' 10" West a distance of 67.83 feet to a "X" scribed in concrete for the Northwest corner of the herein described 0.2586 acre tract of land, said point also being the Southwest corner of said 0.1685 acre tract of land taken for Right-of-Way purposes along the South Right-of-Way line of Highway 90A;

THENCE along the South Right-of-Way line of Highway 90A, per said 0.1685 acre deed, North 72° 58' 55" East a distance of 95.58 feet to an "X" scribed in concrete for an angle point in the North line of the herein described 0.2586 acre tract of land;

THENCE continuing long the South Right-of-Way line of Highway 90A, per said 0.1685 acre deed, South 59° 39' 21" East a distance of 55.71 feet to a "X" scribed in concrete for the intersection of said South Right-of-Way line of Highway 90A, with the West Right-of-Way line of Brooks Street (a.k.a. Spur 58 – called 70' Right-of-Way) and being the Northeast corner of the herein described 0.2586 acre tract of land;

THENCE along the established West Right-of-Way line of Brooks Street, South 00° 56' 00" East a distance of 65.38 feet to a "X" scribed in concrete for the Southeast corner of the herein described 0.2586 acre tract of land and lying in the North line of said 0.517 acre tract of land;

THENCE along the North line of said 0.517 acre tract of land South 00° 56' 00" East a distance of 65.38 feet to the **POINT OF BEGINNING** and containing 0.2586 acre of land.

PLAT ATTACHED



BARRY D. ADKINS, R.P.L.S. No. 6137

Job # Highway90ABrooks

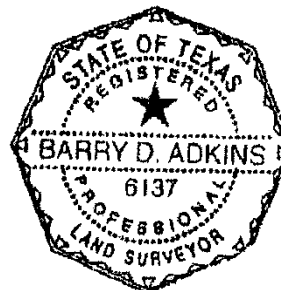


Exhibit B – Vicinity Map:

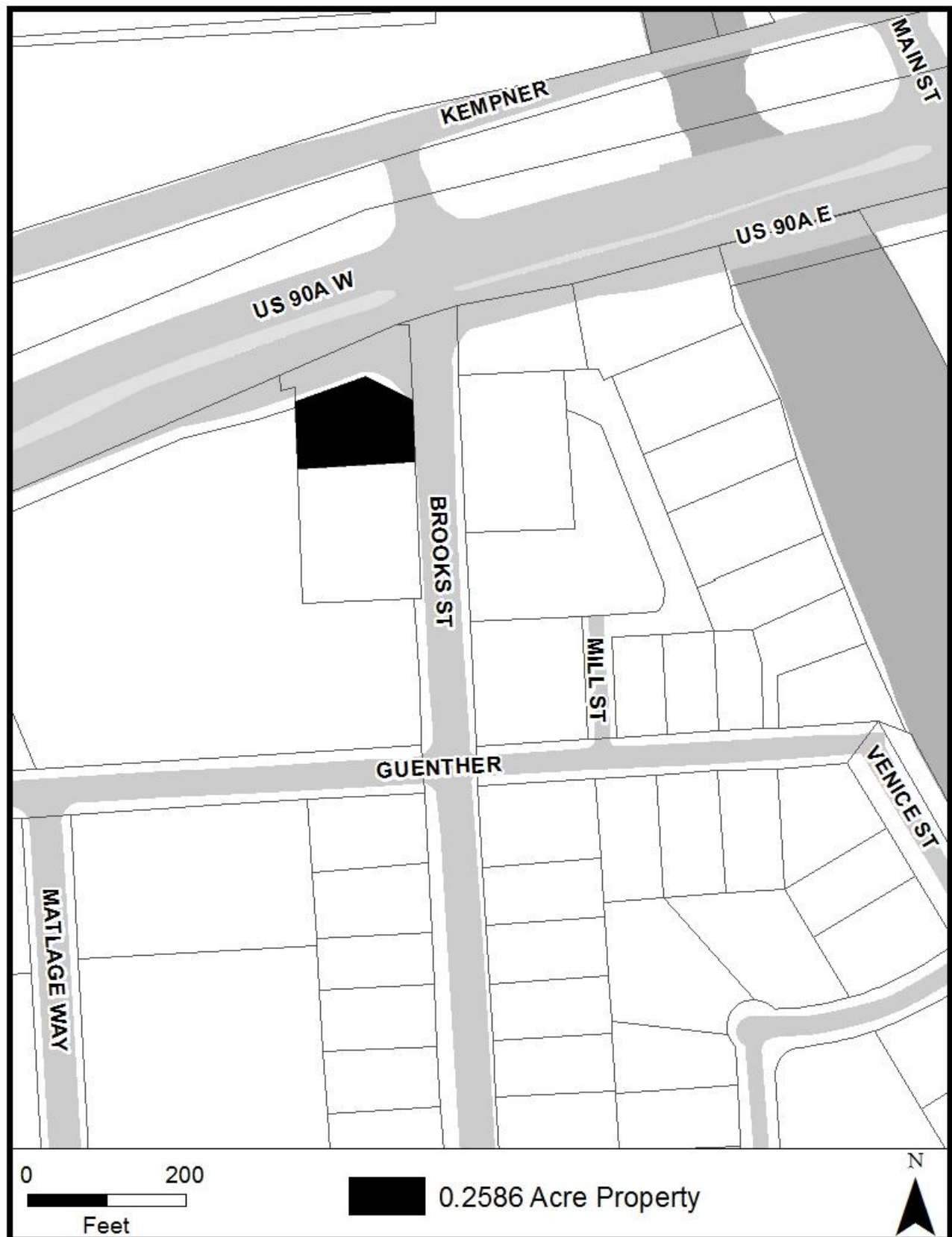


Exhibit C – Site Plan:

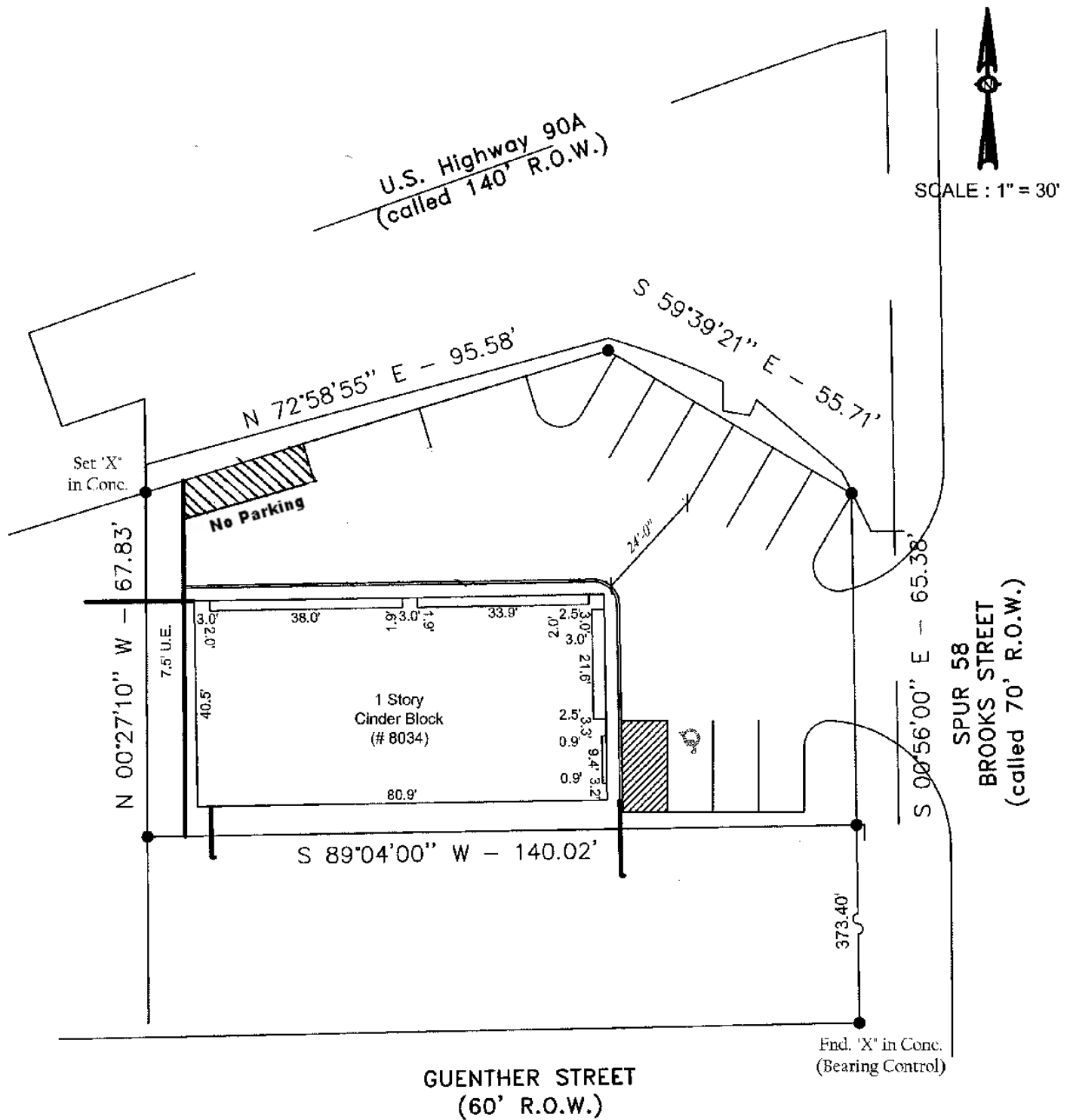


Exhibit D – Front Elevation:

